



**U.S. Department of Justice**

*United States Attorney  
District of Maryland*

*Matthew DellaBetta  
Assistant United States Attorney  
Matthew.DellaBetta@usdoj.gov*

*Suite 400  
36 S. Charles Street  
Baltimore, MD 21201-3119*

*DIRECT: 410-209-4857  
MAIN: 410-209-4800  
FAX: 410-962-3124*

August 5, 2020

The Honorable George L. Russell, III  
United States District Judge  
District of Maryland  
Edward A. Garmatz United States District Courthouse  
101 W. Lombard Street  
Baltimore, MD 21201

Re: United States v. Linwood Davis  
Crim. No. GLR-19-0318

Dear Judge Russell:

I write to state the United States' sentencing recommendation in the above-referenced case. The United States believes that a sentence of 72 months (6 years) of imprisonment is appropriate.

**United States Sentencing Guidelines Calculation**

The Presentence Report correctly calculates the Defendant's guidelines range to be 37 months to 46 months of incarceration. This calculation assumes a full three-level acceptance of responsibility adjustment. The United States concurs with this calculation and believes that the Defendant should receive the three-level adjustment.

**Factors Set Forth in 18 U.S.C. § 3553(a)**

The United States believes that the following 18 U.S.C. § 3553 factors are most relevant in this case:

**I. Nature and Circumstances of the Offense**

In February 2019, Linwood Davis was shot two times in the arm and hospitalized. Davis refused to cooperate with Baltimore City Police Department ("BPD") investigators about the shooting. Upon his release from the hospital, however, Davis made several postings on his Instagram page referencing the shooting:

**User** problemchildofparkheights (1667723974) [Gell Well Piss□□□□]  
**Id** 17861251876341394  
**Date Created** 2019-02-27 00:15:23 UTC  
**Text** War wounds 45 to the arm broke 2 ribs Hit 5 major nerves 2 blood transfusion Hit wit electric x shocks And I'm still here mentally strong □□□□

**User** problemchildofparkheights (1667723974) [Gell Well Piss□□□□]  
**Id** 18014664172087722  
**Date Created** 2019-02-28 04:44:23 UTC  
**Text** I'm back bitches #FreeTreywitda Ak #freecruddi #freekillz #neverlackingagain #longlivemyniggas□□□□ #abmshit□□ #parkheightslegend #onlythestrongsurvive!! #revengeissweeterthanpussy

These postings illustrate Davis' worldview where he views his gunshot wounds as "war wounds" and believes retaliation is the only appropriate response. Davis is a member of the Black Guerilla Family ("BGF"), a violent gang that operates in Maryland. One of principles of BGF is that cooperation with law enforcement, for any reason, is prohibited. Davis' Instagram account shows that he shares this view:



December 2019 post from Davis' Instagram account. The word "rat" or emoji of the rat is commonly used as a pejorative term for someone who cooperates in any way with law enforcement.



September 2019 post from Davis' Instagram account.

In March 2019, the Drug Enforcement Administration (“DEA”) obtained a federal wiretap for Davis’ phone. Within two days of intercepting Davis, however, investigators learned that Davis was involved in a shooting in Northwest Baltimore. Davis was riding in a car driven by his friend when an unidentified assailant or group of assailants shot into the car. Davis was not injured, but his friend was killed.

Again, Davis did not cooperate with BPD investigators about the murder of his friend. Instead, Davis immediately changed his phone number when he learned that police wanted to speak to him as they had identified him as a witness to the murder.

On March 21, 2019, Davis posted on Instagram the following:

**Text**

To my brother kee god took you at the wrong time but I got the pipe ☐☐ and it’s on so tell em it’s on now my trigger finger itching and twitching I got to get em I ain’t scared I probably hit em In they heads I took ah loss my brother dead ☐☐ now let’s paint the city red I’m out looking for some revenge so momma keep me in ya prayers ☐☐☐☐☐ #longlivemyniggas☐☐☐☐ #shineinpeacekee #revengeissweet #prayformyniggas #warisuntildeath

This post echoed an earlier post on March 18, 2019, where Davis lamented that he was not present when his friend was killed:

**Date Created**

2019-03-18 00:50:11 UTC

**Text** Damn yo all my child hood friends really gone darrius doddy and now kee bro we had these talks everyday bro why u wasn’t heavy why you ain’t have me with you you know it would have been smoke ☐☐ coming from my shit !!! But it’s never over with us love you bro all these other niggas posting you fraudulent idc bout shit you know it’s gonna be revenge #forever3dsand☐☐☐☐ kee #longlivemyniggas☐☐☐☐

In the March 21, 2019 post, Davis promised to seek revenge stating that he had the “pipe” and would “paint the city red” as he sought revenge. In the March 18, 2019 post, Davis said his friend was not armed with a gun (“heavy”) when he was killed and that had Davis be there, he would have been shooting (“smoke coming from my shit !!!”)

Later on March 21, 2019, the DEA intercepted Davis, speaking in code, to bring a gun. DEA watched Davis then get into a for-hire van occupied by two other co-conspirators. DEA agents detained Davis and his two co-conspirators when the van stopped on North Avenue. The agents then recovered a total of four handguns from the group.

There can be no question that the DEA prevented a shooting that night. Davis and his associates were on a mission that night that would have ended with someone being shot or killed. The Guidelines in this case do not adequately reflect that Davis was planning on murdering

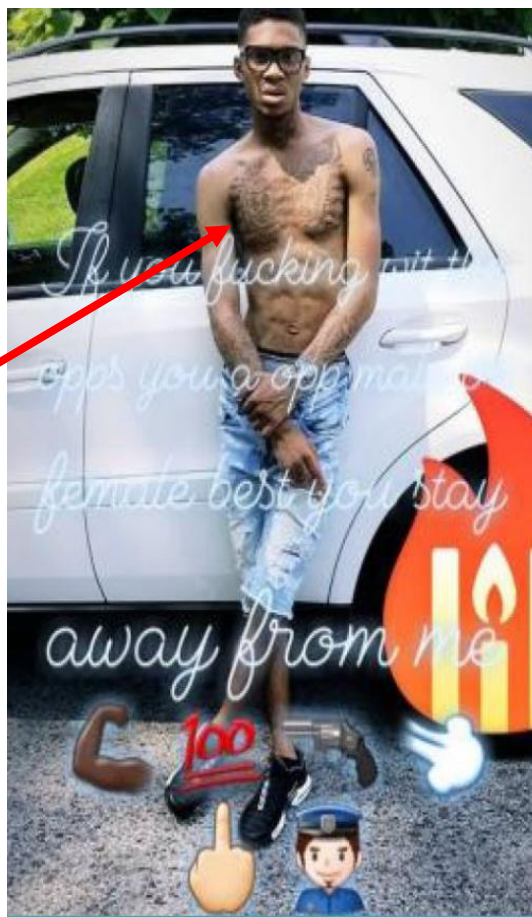
someone that night and took substantial steps to accomplish this task. That Davis' plan was stopped because the DEA was wiretapping him in no way mitigates the seriousness of the conduct.

## II. History and Characteristics of the Offender

Davis is an active member of BGF and regularly promoted his membership in the gang. The following are a sample of the BGF-related postings made by Davis:



"276" refers to BGF since B, G, and F are the second, sixth, and seventh letters of the alphabet. This is a close-up photo of a tattoo on Davis.



BGF tattoo on Davis' chest.





January 2019 post where Davis says he hates BGF members who were previously Bloods gang members.



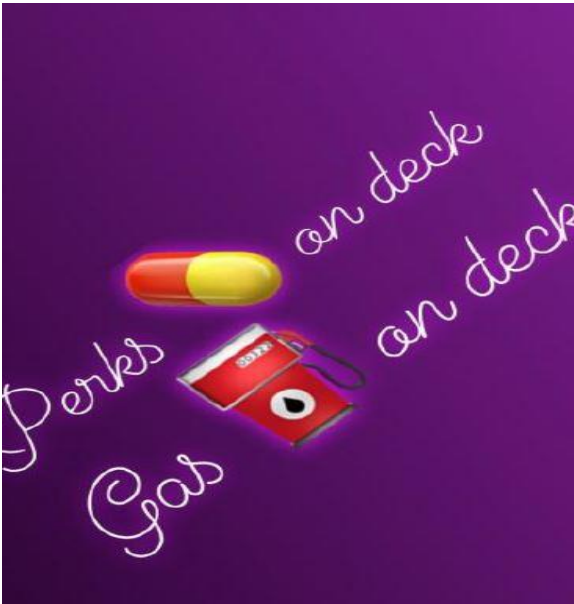
January 2019 post where Davis broadcasts his membership in BGF. BGF member often use the term "J" or "comrade" to refer to BGF members.



December 2018 post where Davis brags about wanting to get a BGF tattoo.

Davis' conduct is all the more egregious given his history of violence and illegal firearm possession. In 2015, Davis attempted to murder a person, shooting him multiple times in the body. Davis later pleaded guilty to Assault in the First Degree and received a sentence of 10 years of incarceration. Davis is currently under supervision for that offense.

Upon his release from prison in March 2018, Davis continued to engage in illegal activity. Davis used his Instagram account to regularly sell prescription narcotics and marijuana. The following Instagram posts are examples of Davis selling drugs via Instagram:



February 2019 Instagram where Davis offers to sell Percocet pills ("Perks") and marijuana ("Gas").



November 2018 Instagram post where Davis says he is "mobile" (i.e. will drive to the customer) with prescription pills and marijuana.

Davis also bragged about regularly carrying firearms on his Instagram page, including his proficiency at using guns. On May 23, 2018, approximately two months of his release from prison for attempting to murder a person by shooting him, Davis posted a photo on his Instagram account of several firearms, presumably bragging about his possession of them. Both firearms contained extended magazines that allow the gun to hold significantly more rounds of ammunition:



Photo Id: 1785811084232326097  
Id 1785811084232326097  
Taken 2018-05-23 19:54:52 UTC

Davis has shown a pattern of violence, gang activity, drug distribution, and illegal gun possession, even while under community supervision. Davis appears to revel in this lifestyle, even when loved ones are themselves victims of the violence plaguing Baltimore. The only appropriate sentence at this point is one that will protect the community against Davis.

**III. The Need for the Sentence to Reflect the Seriousness of the Offense, to Promote Respect for the Law, to Provide Just Punishment for the Offense, to Afford Adequate Deterrence to Criminal Conduct and to Protect the Public from Further Crimes of the Defendant**

Drug trafficking and the possession of firearms contribute to a significant amount of the violence in the city of Baltimore. But in this case, Davis did not merely carry a firearm to protect himself from hypothetical rivals. Davis and his co-conspirators were trying to murder someone and carried four guns to accomplish this task. The United States recognizes that this is an above-Guidelines sentencing recommendation, but Davis has shown that he poses a grave danger to the community.

The requested sentence will protect the community from further crimes of the Defendant and hopefully deter others who continue to illegally possess firearms in Baltimore. The United States believes that this is a lengthy but reasonable sentence that is sufficient but no greater than necessary to achieve the required purposes of sentencing.

Very truly yours,

Robert K. Hur  
United States Attorney

/s/  
Matthew DellaBetta  
Assistant United States Attorney

cc: Counsel via ECF